



06 MAR 2008

Thomas Osborn
OTIS ELEVATOR COMPANY
Intellectual Property Dept.
Ten Farm Springs
Farmington, CT 06032

In re Application of
ZEPKE
U.S. Application No.: 10/549,605
PCT No.: PCT/US2003/008532
Int. Filing Date: 20 March 2003
Priority Date: None
Docket No.: OT-4933
For: WIRELESS ELEVATOR HALL
FIXTURES INTEGRAL WITH HALL
DOOR FRAME

DECISION

This is a decision on the renewed request to add an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) filed 08 June 2007.

BACKGROUND

On 20 April 2007, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 08 June 2008, applicants filed the renewed petition along with, *inter alia*, a "Statement of Consent of the Assignee to Correct Inventorship."

DISCUSSION

37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants previously completed items (1) and (2) of 37 CFR 1.497(d).

In the original petition, the consent of assignee was signed by Mr. Randy G. Henley as Intellectual Property Counsel of Otis Elevator Company. This was not accepted as the position of Counsel is not presumed to have authority to sign the statement on behalf of the assignee. Moreover, Mr. Henley did not specifically state that he had the authority to sign for a corporation.

In the renewed petition, applicants again provided a consent form signed by Mr. Randy G. Henley. Mr. Henley signed as the Assistant Secretary and Intellectual Property Counsel of the assignee. The position of Assistant Secretary is presumed to have authority to sign for the corporation. In addition, the reel and frame of the assignment was noted. This is sufficient to meet the requirements of § 324(V) of the MPEP and item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to add Paul Stucky as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

A review of the declaration originally filed 22 December 2006 shows that it also contains noninitialed changes in ink on the declaration regarding the address of joint inventor, Christian Netter.

Any changes made in ink must be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP § 605.04(a).

As such, a new declaration for Mr. Netter is required. Applicants have **TWO (2) MONTHS** to provide an acceptable declaration in compliance with 37 CFR 1.497(a) and (b). Extensions of time pursuant to 37 CFR 1.136(a) are authorized.

Failure to submit the required declaration in the time period given will result in the **ABANDONMENT** of the application.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302